

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:15-cv-4046-SVW-JC	Date	June 10, 2015
Title	Sergio Varela v. Syrus Gahreman, et al.		

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Present: The Honorable	STEPHEN V. WILSON, U.S. DISTRICT JUDGE
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Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: IN CHAMBERS ORDER REMANDING THE CASE

Generally, removal jurisdiction is disfavored. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). But it is proper if the case could have been filed in federal court originally. 28 U.S.C. § 1441; *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 33 (2002). The removing party bears the burden of establishing subject matter jurisdiction. *Gaus*, 980 F.2d at 566.

Syrus Gahreman and Lourdes Barragan removed this case on May 29, 2015, invoking this Court's federal question jurisdiction. See 28 U.S.C. § 1331. According to the well-pleaded complaint rule, a federal question must inhere from the plaintiff's claims for relief. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987); *ARCO Envtl. Remediation, LLC v. Dept. of Health and Envtl. Quality*, 213 F.3d 1108, 113 (9th Cir. 2000).¹ This case, however, is an unlawful detainer action governed by California law, and it raises no apparent issues of federal law. See, e.g., *Matthew 01 Inv., LLC v. Bloom*, No. CV 15-15-150-SVW-PLA, 2015 U.S. Dist. LEXIS 5641, at *1-2 (C.D. Cal. Jan. 13, 2015); *Burbank Blvd. Apts. Owner LLC v. Cabessa*, No. CV 14-9902-SVW-AJW, 2015 US Dist. LEXIS 3602, at *1-2 (C.D. Cal. Jan. 9, 2015).

Instead of arguing that the complaint raises a federal question, Gahreman and Barragan appear to argue that the unlawful detainer violates federal civil rights laws. They cannot, however, establish jurisdiction from a defense or counterclaim. *Vaden v. Discover Bank*, 556 U.S. 49, 60 (2009); *Franchise Tax Bd. v. Construction Laborers Vacation Trust*, 463 U.S. 1, 14 (1983). Gahreman and

¹ There are exceptions to the well-pleaded complaint rule — the artful pleading doctrine and complete preemption, for example — but they are not relevant to this case.

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Barragan therefore failed to carry their burden of establishing subject matter jurisdiction.

The Court REMANDS the case to the California Superior Court for the County of Los Angeles.

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